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Walter Control

&PERCYHON NO	FILING DATE	FIRST NAMED INVESTOR	ATTORNEY DOCKET NO	CONFIRMATION NO	
09.779,334	02/08/2001	Carsten Sjocholm	6092/2004US	904 J	
Nomes 25	sm (4.2003)				
NOVOZYMES NORTH AMERICA, INC. 500 FIFTH AVENUE SUTTE 1600			EXAMINER		
			WEBER, JON P		
NEW YORK, NY 10110			ARTUNII	PAPER NUMBER	
			[68]	/ 1/	
			DATE MAILED 04/14/2003	/ .}	

Please find below and or attached an Office communication concerning this application or proceeding.

		Application No.		Applicant(s)			
		09/779,334		SJOEHOLM ET AL.			
	Office Action Summary	Examiner		Art Unit			
	•	Jon P Weber, Ph.	.D.	1651			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U S C § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1 704(b)							
1)[Status 1)⊡ Responsive to communication(s) filed on <u>06 February 2003</u> .						
2a)⊡	_						
3)							
ciosed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims							
4) Claim(s) 14-22 is/are pending in the application.							
4a) Of the above claim(s) <u>17-22</u> is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊡	Claim(s) 14-16 is/are rejected.						
7)	7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.							
	ion Papers						
9) The specification is objected to by the Examiner.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.							
''/				ed by the Examiner.			
If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) All b) Some * c) None of:							
1. Certified copies of the priority documents have been received.							
	2 Certified copies of the priority documents have been received in Application No						
3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received. (a) List of the demostration of the certified copies not received.							
The second of the femost one of the order RKTES (1.8.119(e) (to a provisional application)							
	som och tidag om som som						
Attachment(s)							
21 Note	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)			PT()-413) Paper Nots (atent Application (PTO-152)			

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Status of the Claims

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The response with amendments filed 06 February 2003 has been received and entered.

Claims 14-22 have been presented for examination.

Election/Restrictions

Newly submitted claims 17-22 are directed to an invention that is independent or distinct

from the invention originally claimed for the following reasons:

It is argued that the restriction is improper because the burden under

combination/subcombination has not been met and the claims are linking.

The Office action of 06 August 2002 clearly spelled out why the restriction was proper:

The restriction was not a combination/subcombination as argued. The feed by virtue of being

acted upon by the protease has been modified. The feed is then different both from its starting

materials and the protease used to treat it. The restriction was made FINAL in the previous

Office action.

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for prosecution

on the merits. Accordingly, claims 17-22 are withdrawn from consideration as being directed to

a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102 and 103

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Claims 14-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Outtrup et al. (US 5,597,720).

Claims 14-15 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Aunstrup et al. (US 3,674,643).

Claims 14-16 stand rejected under 35 U.S.C. 102(b) as anticipated by Ichishima et al. (US 4,480,037).

Claims 14-15 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Horikoshi et al. (US 4,052,262).

It is argued that these references simply disclose various proteases and do not disclose a feed additive or a composition comprising an acid stable protease and at least one of fat soluble vitamins, water soluble vitamins and trace minerals.

As pointed out in the Office action of 06 August 2002, these references do disclose compositions comprising acid stable protease and trace and macro minerals. The proteases are the same as those specifically listed in the instant disclosure and the minerals are the same as those specifically listed in the instant disclosure. The basis for asserting that these are not disclosed in the references is not understood. Outtrup et al. (US 5,597,720) and Ichishima et al. (US 4,480,037) describe the specific organism set forth in claim 16. The animal feed additive does not distinguish from a simple composition combining the ingredients.

Applicant's arguments filed 06 February 2002 have been fully considered but they are not persuasive. The rejections under 35 U.S.C. 102 are adhered to for the reasons of record and the

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Wityshyn can be reached on 703-308-4743. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Jon P Weber, Ph.D. Primary Examiner Art Unit 1651

JPW April 7, 2003